

**REMARKS**

Claims 1-16 are pending in the present application. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

**I. 35 U.S.C. § 103, Alleged Obviousness, Claims 1, 2 and 4-16**

The Office Action rejects claims 1, 2 and 4-16 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hoyle (U.S. Patent No. 6,141,010) in view of Nguyen et al. (U.S. Patent No. 6,202,070 B1). Because this rejection is essentially the same as in the previous Office Action, this rejection is respectfully traversed for the same reasons stated in the previous Response filed September 19, 2003, the remarks of which are hereby incorporated by reference. The following remarks are provided in rebuttal to the Examiner's statement in the present Final Office Action beginning on page 11, section 6.

In the September 19, 2003 response, Applicants argued that Hoyle and Nguyen, taken alone or in combination, fail to teach or fairly suggest performing a software maintenance action for the product from a client site by downloading data required for said software maintenance action from a sequence of repositories, wherein said sequence of repositories includes at least a top-level repository storing a set of files for the product and a local-level repository storing a first subset of files for the product, wherein the first subset of files is specific for a given client system, as recited in independent claim 1, which is representative of the other rejected independent claims 7 and 12. In response, the Examiner on pages 11-13 of the Final Office Action states the following:

(A) As per claim 1, Applicant has submitted that Nguyen only teaches downloading software components from the local database of a manufacturing site and that both Hoyle and Nguyen fail to teach "performing a software maintenance ... specific for a given client" (Appl. Rmks, pg. 9, 3<sup>rd</sup> para; pg. 10, 2<sup>nd</sup> para). Nguyen is brought in for teaching of repositories organized in a hierarchical order arrangement, following a sequence going from a central master database to a more localized

database at the manufacturing site. Hoyle already suggests the idea of downloading such that it operates from a set of more than one repositories and the use of sites to accommodate software for a user's specification (*ADM Server, Ad servers* – Fig. 3, 7). Nguyen's teaching of hierarchy of repositories going from the most global to a more specialized is used for extending Hoyle's suggestion in providing resources repositories that fulfill specific target machine environment. Thus, the rejection points out how the propagation of files storage from high level/low level repositories arrangement by Nguyen can be combined to enhance Hoyle's suggestion as to prevent duplicate data and to provide specialized sites for a given demographic specification. Further, Nguyen is also enhancing Hoyle's elimination of data duplicate by providing relational database standards. Hence, the rejection points out how Hoyle's use of specialized sites for accommodating user's specification can be enhanced by Nguyen's implementation of more global repositories transferring data to more local repositories in a more hierarchical and sequential manner. And the motivation is to allow more specificity of data storage, elimination of unwanted duplicate with improved storage efficiency.

Applicants respectfully disagree. The Examiner's arguments rely on Hoyle as teaching the idea of downloading such that it operates from a set of more than one repository and the use of sites to accommodate software for a user's specification through the ADM server and Ad server. While the ADM server and the Ad server may provide advertising selection and distribution, only the ADM server provides the distribution of upgrades to the client software application (see column 8, lines 64-66). Thus, Hoyle does not teach performing a software maintenance action for the product from a client site by downloading data required for said software maintenance action from a sequence of repositories.

Moreover, the Examiner relies on Nguyen as teaching a hierarchy of repositories going from the most global to a more specialized. Applicants respectfully disagree. Nguyen teaches that each software engineering group's database is merged into a single master database. The master database is then replicated to form duplicate master databases at various locations. Also, software is distributed from these databases to local databases at the computer manufacturing sites and test facilities. Only the local database will then be used for actual installation of the software onto personal computers (see Nguyen, column 4, line 65 to column 5, line 9). In other words, Nguyen teaches a distributed database management system in which master databases are replicated and

ultimately distributed to local databases. However, the actual installation action comprises downloading software components only from the local database of the manufacturing site. Thus, neither Nguyen nor Hoyle teaches performing a software maintenance action for the product from a client site by downloading data required for said software maintenance action from a sequence of repositories as both Hoyle and Nguyen teach only a single server maintenance function.

Independent claims 7 and 12 recite similar features to those of claim 1 and, thus, are allowable over the alleged combination of Hoyle and Nguyen for similar reasons. With regard to the remaining claims 2, 4-6, 8-11 and 13-16, these claims are distinguished over Hoyle and Nguyen for the reasons set forth in the response filed September 19, 2003, and for the reasons noted above with regard to similar features found in claims 1, 7 and 12. In view of the above, Applicants again respectfully submit that the combination of Hoyle and Nguyen, taken alone or in combination fails to teach or fairly suggest the features of independent claims 1, 7 and 12 or dependent claims 2, 4-6, 8-11 and 13-16. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1, 2 and 4-16 under 35 U.S.C. § 103.

## II. 35 U.S.C. § 103, Alleged Obviousness, Claim 3

Claim 3 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Hoyle and Nguyen et al., as applied to claim 2, and further in view of Okanoue (U.S. Patent No. 5,689,640). Because this rejection is essentially the same as in the previous Office Action, this rejection is respectfully traversed for the same reasons stated in the previous Response filed September 19, 2003, the remarks of which are hereby incorporated by reference.

In the September 19, 2003 response, Applicants argued that claim 3 is allowable at least by virtue of its dependency on claim 2 and that Okanoue fails to make up for the deficiencies of Hoyle and Nguyen. The Final Office Action fails to provide rebuttal on Applicant's remarks with respect to claim 3 from the response dated September 19, 2003. Applicants hold that those remarks are still valid as earlier presented.

In view of the above, Applicants again respectfully submit that Hoyle, Nguyen and Okanoue, taken alone or in combination, fail to teach or fairly suggest the features of claim 3. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 3 under 35 U.S.C. § 103.

**III. Conclusion**

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: April 26, 2004



Francis Lammes  
Reg. No. 55,353  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 367-2001  
Agent for Applicants